of John Galley took the manure," and that the man who took it had a bay team and was a "tall man, sandy mustache," and that employee communicated this information to defendant. Another person informed the defendant that plaintiff answered the description given by T, whereupon, without interviewing T, the defendant caused plaintiff to be arrested. It appeared as a matter of fact that plaintiff did answer to this very general description, in that he was tall and had a sandy mustache, but he was not the owner of any bay team. The trial court held that the question of probable cause was one of fact for the jury to decide, but the Appellate division decided that as a matter of law lack of probable cause was not established by plaintiff, and dismissed the action. On appeal from the Appellate division, the Court of Appeals defines "probable cause" as such a state of facts and circumstances as would lead a man of ordinary caution and prudence, acting conscientiously, impartially, reasonably, and without prejudice upon the facts within his knowledge, to believe that the person accused is guilty; and holds that since the case was one where different persons of reasonable prudence and caution might draw different inferences from the undisputed facts, that the court could not say that defendant did or did not have probable cause, as a matter of law, for causing plaintiff's arrest, but must submit the question to the jury to decide as a matter of fact. *Galley* v. *Brennan* (N. Y. 1915), 110 N. E. 179.

It is clear that the court is correct in holding that the undisputed facts here did not as a matter of law show probable cause. 26 CYC. 24 defines probable cause as follows: "Probable cause means reasonable grounds for suspicion supported by circumstances sufficiently strong in themselves to warrant a cautious man in the belief that the accused is guilty of the offense with which he is charged," citing the following, among other cases: *Cook* v. *Proskey,* 138 Fed. 273; *Gates* v. *Union Saw Mill Co.,* 122 La. 437, 47 So. 761; *Lasky* v. *Smith,* 115 Md. 370, 80 Atl. 1010; the fact of plaintiff's innocence has no bearing on defendant's liability, as the question does not turn upon the actual innocence or guilt of the accused, but upon the prosecutor's belief of it at the time, upon reasonable grounds. *Bankell* v. *Weinact,* 91 N. Y. Supp. 107; *Anderson* v. *Howe,* 116 N. Y. 336; *French* v. *Smith,* 4 Vt. 363, 24 Am. Dec. 616; WEBB, POLLOCK ON TORTS, 393.

MUNICIPAL CORPORATIONS—COMMISSION PLAN OF CITY GOVERNMENT.—Subsequent to the regular election of city officers, the City of Kirksville adopted the provisions of the Act of the General Assembly (Laws of 1913, p. 517) permitting cities of the third class and others to operate under a commission plan of government. After complying with the provisions of this Act the city held an election, and a mayor and four councilmen were chosen, in whom was vested the legislative and administrative power of the city, and who passed a resolution which terminated certain city offices; among the officers dismissed was the plaintiff, who had been elected city marshal under the former city government. Plaintiff sues for salary alleged to be due him as marshal, setting up that the Act of the General Assembly was unconstitutional, as creating a fifth class of cities in violation of the

constitution, which provides for four classes of cities. *Held,* that this Act did not create a fifth class of cities nor alter the pre-existing classification, but left cities in the same class to which they theretofore belonged, being an administrative provision which may operate in all cities alike at the election of the voters. *Barnes* v. *City of Kirksville* (Mo. 1915), 180 S. W. 545.

This constitutional question has been before the courts of Missouri in previous cases where a change was made in the classification provided for in the constitution of that state. *Murnane* v. *City of St. Louis,* 123 Mo. 479; *State ex inf. Mytton* v. *Borden,* 164 Mo. 221; *State ex rel.* v. *Lichte,* 226 Mo. 273; *State ex rel.* v. *Clayton,* 226 Mo. 292. In these cases the court has been careful to overrule legislative action which tended to threaten uniformity in the classification of cities. In *Com. ex rel. McKirdy* v. *Macferron,* 152 Pa. 244, where a city of the third class had become a city of the second class, the same rule was applied to a municipal demand for the retention of a system of levy and collection of taxes peculiar to cities of the third class. The principal case is novel in its facts. However, it seems clear that the legislative permission to manage local administrative government in a new way can hardly be held to affect the classification of cities nor endanger uniformity therein. The opposite conclusion would place a serious bar in the way of the adoption of a commission plan of city government, where a classification of cities is made in the constitution of the state. For other constitutional objections to the commission plan of city government, see 9 MICH. LAW REV. 46.

MUNICIPAL CORPORATIONS—COMPUTATION OF THE CITY'S INDEBTEDNESS.—The city of Pittsburgh, in compliance with the Act of 1893 (P. L. 154), acquired the entire capital stock of the Monongahela Bridge Company; the corporation was allowed to remain as a separate corporate entity, although it was controlled and operated by the city officials. Subsequently the bridge company issued certain bonds to pay for improvements of the bridge property. The question was raised whether or not this bonded debt of the Bridge Company should be considered as the debt of the city in computing the items of debt within the constitutional provision limiting municipal indebtedness. *Held,* that this was a debt of the city and was properly included in computing the municipal indebtedness. *Schuldice* v. *City of Pittsburgh* (Pa. 1915), 95 Atl. 938.

The opposite conclusion would be logical, inasmuch as the corporation, as a separate entity, owns the property and would likewise owe the debt which was contracted lawfully and with relation to its corporate purpose. A few cases have taken this view, especially where a school board is regarded as a separate corporation although within the same territory as the municipal corporation. *Campbell* v. *City of Indianapolis,* 155 Ind. 186; *City of Newport, Ky., ex parte,* 141 Ky. 329; *Rash* v. *City of Madisonville,* 148 Ky. 154; *Hyde* v. *Ewert,* 16 S. D. 133; *Board of Education* v. *National Life Ins. Co.,* 94 Fed. 324; GRAY, LIMITATIONS ON TAXING POWER AND PUBLIC INDEBTEDNESS, § 2148; DILLON, MUNICIPAL CORPORATIONS (5 Ed.), § 192. Many